

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SILVIA RODRIGUEZ,

Plaintiff,

Case No. 1:22-cv-372

v.

Hon. Hala Y. Jarbou

BLOCK, INC.,

Defendant.

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**ORDER VACATING THE COURT’S ORDER ENTERED ON JULY 5, 2022 (ECF NO. 13), ADDRESSING RECENT FILINGS, DENYING DEFENDANT’S MOTION TO DISMISS (ECF NO. 8) AS MOOT, and SETTING DEADLINE FOR DEFENDANT TO RESPOND TO THE AMENDED COMPLAINT**

**1. The Court’s order entered on July 5, 2022**

In an order entered on July 5, 2022 (ECF No. 13), the Court addressed plaintiff’s combined motion for extensions of time. At that time, the docket sheet did not contain paper documents filed by plaintiff on July 1, 2022, which were later added to the docket sheet after entry of the Court’s order as ECF Nos. 14, 15, and 17. Plaintiff’s documents change the posture of the case. Accordingly, the Court’s Order addressing plaintiff’s combined motion for extensions of time (ECF No. 13) is **VACATED**.

**2. Plaintiff’s amended complaint**

Plaintiff has now filed an amended complaint (ECF No. 17). Because plaintiff amended the complaint “as a matter of course” pursuant to Fed. R. Civ. P. 15(a)(1)(B), no motion is necessary.<sup>1</sup> The amended complaint is the operative pleading in this case.

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<sup>1</sup> See Fed. R. Civ. P. 15(a) which provides in pertinent part, “**(1) Amending as a Matter of Course.** A party may

**3. Defendant's motion to dismiss**

Since the original complaint is a nullity, defendant's motion to dismiss that complaint (ECF No. 8) is rendered moot. Accordingly, defendant's motion to dismiss (ECF No. 8) is **DENIED without prejudice** as moot. Given these developments, defendant may file an answer or other response to the amended complaint by no later than **August 5, 2022**.

If defendant chooses to file a motion to dismiss the amended complaint, defendant is reminded of W.D. Mich. LCivR 5.7(d)(vii)(B) which provides in pertinent part that,

Filers must not attach as an exhibit any pleading or other paper already on file with the court, but shall refer to that document by the ECF No. identified thereon, found in the document header displayed at the top of the electronically filed document.

In short, defendant must refer to portions of its previously filed brief and exhibits by the "ECF No." and "PageID" numbers. A party's attempt to e-file a previously e-filed document can result in illegible "PageID" numbers. If that occurs, the Court may strike the document and order the party to re-file an entirely new document.

**IT IS SO ORDERED.**

Dated: July 8, 2022

/s/ Ray Kent  
United States Magistrate Judge

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amend its pleading once as a matter of course within: **(A)** 21 days after serving it, or **(B)** if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier."